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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,381	10/29/2001	Aaron Dew	50R4788	9019
7590	07/19/2004		EXAMINER	
John L. Rogitz Rogitz & Associates Suite 3120 750 B Street San Diego, CA 92101			KOSTAK, VICTOR R	
			ART UNIT	PAPER NUMBER
			2614	
			DATE MAILED: 07/19/2004	2

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/000,381	DEW ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Victor R. Kostak	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-35 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

**The abstract should be** in narrative form and generally limited to a single paragraph on a separate sheet **within the range of 50** to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

2. Claim 13 is objected to because of the following informalities: "the heuristics" lacks antecedent basis. Neither base claim recites anything about heuristics. Appropriate correction is required.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Or (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 12-15, 17, 21, 22, 25, 27, 28 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujitsu (assignee name).

The system of Fujitsu (noting the Abstract, Title, and Advantage) involves a television mounted in a vehicle, wherein processor 4 establishes at least one setting based on the geographic position of the TV, thereby meeting claim 1.

As for claims 25 and 28, unit 3 corresponds to the claimed means for inputting the location data from satellite 5. Microprocessor 4 located within the television receiving arrangement provides the correlation of the input data to the setting function.

As for claims 3, 12 and 15, the global positioning location concept inherently involves heuristics, which makes possible the signal changeover resulting from a determination of geographic location changes. The set of correlation data is stored in GPS receiver and processed by microprocessor 4.

Regarding claims 4, 22 and 30, the setting is a video setting (e.g. tuning frequency, as well as AGC).

As for claim 13, an input device (key matrix) 2 can be used to preset the settings (i.e. tuner by the driver.

Heuristic data (i.e. frequencies) can be reset by the driver (i.e. manually), which data is to be correlated to the GPS data, thereby meeting claim 14.

Considering claim 17, the location is geographic location data of the TV (somewhere on the road).

As for claim 21, a GP satellite 5 is used, as noted previously.

As for claim 27, global positioning inherently involves a wide area source of data.

4. Claims 1, 2, 4, 5, 7, 9, 11-16, 18-20, 22, 23, 25, 26, 28-31 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al.

The system of Williams (noting particularly Figs. 1, 3 and 5) involves automatically establishing at least one setting based on time (e.g. col. 2 lines 12-22 and Fig. 5), which system comprises a TV with monitor 102 and a controller (processor) 104 coupled to the TV by bus 108, the controller receiving time information and in turn configuring various settings (e.g. col. 5 lines 47-51), thereby meeting claim 1.

As for claims 12 and 15, the controller configures settings heuristically when it identifies settings and configures and/or adjusts the TV settings in a profile database in a continuous updating procedure (e.g. col. 4 lines 57-65; col. 5 lines 42-51; col. 6 lines 50-52).

As for claim 25, the user initially inputs the various settings as well as informing the receiver the time the programming is involved (e.g. col. 5 line 66 – col. 6 line 24).

Regarding claims 2, 20 and 26, the information is input by the viewer (noting interface 132).

As for claims 4, 22 and 30, the settings can be video-related (e.g. col. 7 lines 22-26).

The settings can also be audio-related (col. 7 lines 22-26 again), thereby meeting claims 5, 23 and 31.

As for claims 7 and 11, contrast and volume are given as examples of settings in the previously identified text.

Concerning claim 9, color is also a monitored parameter (col. 8 line 21).

As for claims 13 and 14, the user initially inputs the settings through interface 132, and the controller processes the settings to alter the heuristics (thereby updating and presumably optimizing the configuration on a continuous basis).

Considering claim 16, the location of the TV is in a building (the settings are based on time, not location).

As for claims 18 and 19, the settings are monitored and thereafter used for configuration updating based on the time and date of programming (col. 1 lines 54-57).

Regarding claim 28, the controller that does the correlating can be arranged in the TV (col. 17 lines 43-46).

As for claim 29, a set-top box can also be used as the receiver (col. 3 lines 30-33).

Addressing claim 35, surround sound is also a setting (col. 6 line 56).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 10, 24, 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al.

As for claims 6 and 24, it is noted that since Williams uses menu guides (e.g. col. 11 lines 49-60) and mentions color as a setting (as noted above), it would accordingly have been obvious to apply the color settings as so preferred to any display mode, such as the menu color and menu icon arrangements, thereby providing the viewer with as many preferences as possible.

Since Williams allows for any of various settings or parameters to be adjusted, and gives a few as examples (e.g. contrast, volume, color), discussed above, it would have been obvious to adjust any of standard settings/parameters that are normally adjustable manually, such as well known tint, thereby meeting claim 10.

As for claim 32, since closed-captioning is a required feature in television, it would also have been obvious to allow the viewer to tailor the settings as so preferred, the controller setting and updating the configuration as with the other settings.

Regarding claim 33, Williams addresses an extensive and various list of audio settings (col. 6 lines 52-63), and the dynamic range would have been obvious to set, particularly in view

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of the specific audio settings allowed in the list, to thereby optimize the audible presentations of respective programming.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is 703 305-4374. The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

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**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

*h.w*

Victor R. Kostak  
Primary Examiner  
Art Unit 2614

VRK